

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

February 17, 2016 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

ALSO PRESENT: Town Administrator Steve Fournier, Interim Finance Director Matt Angell, Public Works Director Rick Malasky, Mr. John Bellerose of Raymond Bucket Guys, Inc. (RBG), Mr. Mike Provost and Ms. Tamara Niedzolkowski

AGENDA

Chairman Phil Nazzaro welcomed everyone to the February 17, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance.

Vice Chair Levy made a motion to seal the minutes of the Non-Public Session which was seconded by Councilor Pike. Town Administrator Fournier polled the Council and the motion to seal the minutes of the Non-Public Session was approved by a vote of 7-0.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:06 pm.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:06 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Non-Public Meeting of February 3, 2016

Vice Chair Levy made a motion to accept the minutes of the Non-Public Meeting of February 3, 2016, which was seconded by Councilor Weinstein.

As there were no corrections or changes, Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of February 3, 2016 were approved by a vote of 7-0.

Acceptance of the Minutes of the Regular Meeting of February 3, 2016

Vice Chair Levy made a motion to accept the minutes of the Regular Meeting of February 3, 2016, which was seconded by Councilor Pickering.

As there were no changes or corrections, Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of February 3, 2016 were approved by a vote of 7-0.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier updated the Council on the **Town of Newmarket vs the Eagles**, stating that he had received a notice from the court at the end of last week saying that they had been successful in evicting the Eagles from the property and that they would have 14 days from last Thursday to vacate the premises. He said he had been working with the Sherriff's Department and the attorneys as well as the State Liquor Commission to achieve this and said that the Eagles were aware they had to leave a clean and empty building. He next thanked everyone who helped insure the success of the **Presidential Primary**, which was held at the Fire Station due to a burst pipe at the High School, with a special thanks to the Town Clerk-Tax Collector for her outstanding dedication and professionalism. He said that a group of students from the Junior-Senior High School had made a presentation to him with regard to adopting a **Town Flag**. He said many communities had town flags and felt it would be a great source of civic pride. He asked that a small group of Councilors meet with the students as an ad-hoc committee, and Councilors Weinstein, Nazzaro, and Burns volunteered.

Town Administrator Fournier stated that they were roughly 59% through the **FY16 Budget**, and were on target with 58% expended. He said Fire was running slightly above due to an increased volume of calls. He said revenues were also on target with motor vehicle registration still running 5% higher than anticipated. He said he had been in discussion about conducting a **Citizen's Survey** which would be conducted online asking some basic questions with regard to the use of Town services and included some demographic background. He said the survey would be vague at first to see how it worked with about 30 questions, and he hoped to send it out sometime next month and have flyers at the election. He said he had looked at sample surveys and pulled some questions which the departments were reviewing, after which he would go live with the survey and bring the results back to the Council.

Discussion: Councilor Weinstein said her concern with online surveys was that they did not reach the elderly population, and suggested a few computers be set up at the Senior Center. Town Administrator Fournier said that either computers could be set up or they could distribute hard copies and manually input the information. Chairman Nazzaro asked if the survey had been purchased, and Town Administrator Fournier said it was one put out by the International Security Management Association (ISMA) and he had also looked at other community surveys. He said the questions were very generic to see who was using what services. Chairman Nazzaro felt they should know exactly what their intent was behind each question and what they were going to do with the data. Councilor Pickering asked if the idea was based on complaint calls coming in, and Town Administrator Fournier said that it was simply a common practice for municipalities to do a citizen survey.

Vice Chair Levy questioned a statement on page 78 of the packet that said: "the decline in the pumping groundwater levels was not due to well efficiency." Town Administrator explained that the Water & Sewer Department had wanted to see if the decline in the well levels had anything to do with the mechanical portion of the wells but they found that it did not, and that it was a result of a decline in the water table from insufficient rain. Vice Chair Levy asked a question from page 90 as to whether there was a reason

Finance and Human Resources spent approximately 9% more than last year at this time. Town Administrator Fournier said the increases in Human Resources were due to insurance products, with changes in property/liability and workers compensation and a slight increase in Health.

The Mills Scenic Byway – Corridor Management Plan

Town Administrator Steve Fournier stated that Mr. Mike Provost and Ms. Tamara Niedzolkowski, members of the Mills Scenic Byway Committee working with Strafford Regional Planning, were present to give an update on the corridor management plan. He said he would not be asking for a full vote tonight, but that a letter of continued support would be sent if there were no questions from the report. He said the plan was presented to the Council 4 years ago to name Route 108 through Rollinsford to Durham and through Newmarket a scenic byway for Mills heritage, and that hopefully Dover would join also.

Ms. Tamara Niedzolkowski stated that she had received a letter of support from Durham and she had met with the Advisory Board to the Dover Chamber of Commerce, and felt it was more likely now that Dover would participate. She said that while she was in Durham they asked that the State RSA requirement that State and municipal properties around the byway would not be impacted in any way, as well as the RSA itself, be included in the plan. She said Durham also wanted their business loop to be added in, and that if Dover participated their loop would probably be added as well. She said these were the only two (2) changes to the plan they now had, and her hope was to get it through the State in May and start working on promoting and marketing in the summer.

Discussion: Councilor Thompson asked what the benefit would be to having this designation. Ms. Niedzolkowski explained that the byway was another way of connecting all the towns and what they had in common, and was a marketing tool for towns to promote their community. She said information would be available in all public libraries, and all the designations for the byway would show up in State material as well. Councilor Weinstein asked what would happen if Dover did not participate, and Ms. Niedzolkowski said that all the work for Dover had been done and they could always be added later. Councilor Thompson asked if there was any cost to the community, and Ms. Niedzolkowski said there were no costs inherent in the plan, and they had marketing strategies and goals for fundraising. Councilor Pike asked if the Durham Business Loop had any relationship to the Mills, and Ms. Niedzolkowski explained that the “mills” designation had not been part of the original plan, but was added when Rollinsford asked that the route be diverted to include their mills. She said the route went through communities which did not have mills like Durham, but that the business loop was considered their “historical district”.

Chairman Nazzaro verified there would be no restrictions on property rights, and asked why the Bandstand was not included in the byway inventory list for Newmarket. Ms. Niedzolkowski said that anything wished to add could be emailed to the committee to be included. Town Administrator Fournier said that if there was no objection by the Council, he would forward a letter of support to the committee saying that the Town of Newmarket would continue their support of the plan. Ms. Niedzolkowski said she would take all the letters to the State in May, and as soon as the Byway was designated she would contact them again with regard to plans moving forward and a possible timeline.

Town of Newmarket Wage Plan

Interim Finance Director Matt Angell presented the Wage Plan for the Town of Newmarket. He stated that pursuant to the Town Charter, the Town Administrator was authorized to conduct a Wage Survey every 3 years, with any adjustments subject to availability of funds. He first explained how the study was conducted, and said they had selected other communities comparable in size and budget structure and other seacoast communities, requesting data from their wage plans. He said they had compared this data by looking at the delivery service levels of each community and determining high versus low comparability. He said that Durham used a wage rate of 20%, Franklin used 31%, Hannover used 51%, and that they had decided upon a middle rate of 30% for Newmarket. He said they had asked 30 communities and received 14 responses. Interim Finance Director Angell said they had to look at comparability to make sure they were getting good data, i.e. 13 out of 14 responding communities had Police Chiefs and 10 respondents had a Recreation Director. He said some of the Water & Sewer information was not comparable as most communities had separate positions for each.

Interim Finance Director Angell said that as background on the pay range, they had taken the 14 communities together and come up with an average between the start and the end point. He said they then took the lowest amount and added 30% to determine the pay range for each position. He next provided a list of positions that currently fell below the minimum and said that increasing all the positions up to the minimum would result in an additional cost to the Town of \$24,526, which included salary, FICA, and Medicare. He said the next steps in the process were to introduce a resolution to the Council to approve the wage plan, make the recommendations for adjustments to the Town Administrator, and revise all the job descriptions. Town Administrator Fournier said as they were currently in the Budget process, they had not budgeted for these increases, and said he had frozen the salaries of all current employees above the range. Interim Finance Director Angell said that for the most part the plan validated what a majority of the employees were earning, especially considering their experience and years of service. Town Administrator Fournier said this would provide a range for the future and said the Wage Plan was a common tool which the Town should have in place.

Discussion: Vice Chair Levy asked if the roles and responsibilities of the employees listed below the minimum lined up with other towns. He also asked if the use of services and other factors were factored in with how employees were compensated in other towns. Interim Finance Director Angell said as far as other towns, he had only requested their wage range and not what their incumbent was earning, as incumbent salaries took experience and years of service into account. He said that the responsibilities had lined up pretty much, except Water & Sewer and the Town Planner. Town Administrator Fournier said that statutorily the Police Chief was universal, but that town administrators were not the same in every community and duties needed to be compared. He said historically the last wage survey was done in 2005 but was not adopted and they never had a base document for hiring. Interim Finance Director Angell said he had tried to base their Wage Plan in appearance on all the other communities so they could be more comparable going forward.

Chairman Nazzaro asked how many people in the Town were over and Interim Finance Director Angell replied there were 2 or 3 currently. Town Administrator Fournier said that he had explained to those employees that their salary could not be changed at this time as it was higher than the market. Chairman Nazzaro asked if the turnover was high for the positions below the minimum, and Interim Finance Director

Angell said it was high for Firefighters and the Foreman position. Town Administrator Fournier said that for firefighters it was partly salary and partly the desire to go to a fulltime fire department. Chairman Nazzaro felt that with the total of \$24,526, including FICA and Medicare, the salaries could not be off by much. Interim Finance Director Angell said that to correct the lowest position listed would only change their budget by \$839, but the highest would change it by \$6,500. Chairman Nazzaro asked if the Council would be voting tonight and Town Administrator Fournier said it was just to get the information out, and they would next see an addendum to the Personnel Policy. Chairman Nazzaro asked if Town Administrator Fournier could provide the current wage range against the new proposed range as backup for the Council.

Vice Chair Levy asked what would happen if a prerequisite for a position was not met but the person was hired for a lower wage, and Town Administrator Fournier said that if they did not meet all the requirements they would start at the bottom of the salary range. Councilor Weinstein asked if they had a resolution and adopted the wage plan, would the \$24,526 would be automatically appropriated. Town Administrator Fournier said it would as he would first need Council approval, and said that they were basically amending the Personnel Policy to include the wage schedule. Interim Finance Director Angell said they were authorizing the Town Administrator to pay people within this range and it would be at his discretion to pay them based on years of service and experience/education, and said this wage plan should be looked at as a baseline. Chairman Nazzaro questioned the need to edit the job descriptions, and Town Administrator Fournier said that he wanted to make sure the job descriptions actually reflected what the employees were doing.

COMMITTEE REPORTS

Councilor Burns said the *Conservation Commission* had met and they had touched on land maintenance. She said they had received some quotes on repairing the damaged kiosks, and were currently looking to reduce the costs by doing the repairs themselves. She said they were very interested in the Kayak Event being planned and hope for more recruits.

Councilor Pike said that the *Macallen Dam Study Committee* had met with two (2) engineers from the Department of Environmental Services (DES) and said the meeting was recorded if anyone wanted to see where they stood with the State. He said the meeting was mostly the presentation of a report from Engineer Gary Lemay of what was moved from Wright Pierce to Gomez & Sullivan. Councilor Pike reiterated that Gomez & Sullivan were not hired originally to study flood conditions, but rather to study the effects of the dam removal. He said the presentation provided a lot of detail and that a new engineer from the DES had been assigned and they were agreeing to the model modifications recommended by Gomez & Sullivan, and also felt it was important to codify and nail down the numbers. He said the Committee had agreed and it was recorded that it was agreed, and said that it was more favorable that the gates area of the dam would not need modifications and that the reconciliation of the models was favorable to that as well. Councilor Pickering said that he had watched the Dam Committee meeting and felt a lot of interesting things had been presented. He mentioned the problem with the alignment of the bridge being an issue for the dam. Councilor Pike said the dam actually turned out to be controlling and restricted flow as Route 108 and Longmarsh Road, and said that the bridge was only an issue if the dam were taken out.

Vice Chair Levy said he had spoken with Town Planner Diane Hardy and that they were working with Strafford Regional on the Master Plan. He asked Town Administrator Fournier to provide a brief update at the next meeting as to whether or not it would be feasible for the list for implementation, provided by the Economic Development Committee, to be presented to the Council for consideration by the end of the fiscal year.

Councilor Pike stated that the *Planning Board* had met and had accepted a lot line adjustment on Hersey Lane, and said nothing controversial had been presented. He said that the Grape Street project was continued, and that the meeting had been brief with barely had a quorum. He said the Sub-Committee was to meet on Master Plan changes to take place before the Economic Development Committee recommendations, and said they were trying to set the meeting for the beginning of March.

Chairman Nazzaro said that the Veterans Memorial Trust Committee, of which he was a member as a citizen, was having their annual fundraiser on May 14, 2016. He said that for anyone who wished to play or sponsor, they would get the information to the Town website.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-33 Authorize the Town Administrator to Purchase a Bucket Truck for the Highway Department and Enter into any Related Contracts, For a Price Not to Exceed \$84,056

Councilor Burns made a motion to approve *Resolution #2015/2016-33 Authorize the Town Administrator to Purchase a Bucket Truck for the Highway Department and Enter into any Related Contracts, For a Price Not to Exceed \$84,056*, which was seconded by Councilor Weinstein.

Public Works Director Rick Malasky first provided a brief history, and said formerly they were lucky to have someone who worked in Public Service with his own fire alarm company and who was able to maintain the system. He said that in 2000 a used 1991 bucket truck had been purchased, principally for the maintenance of their municipal fire alarm system. He said since then the Town added ornamental lighting, had a total of 100 flagpoles, and had more buildings with higher lights to access, and said the bucket truck made maintenance easier. He said the purchase of a new truck was in the schedule and that he had been looking long and hard for a year to find a replacement. He said he had worked with Auto Excellence to try to find a used truck or a demo, but they could not find one that met their needs and abilities. He said the resolution before the Council now was to purchase a new truck which was 10 feet higher than the previous vehicle. He said this vehicle was used by the Fire Department and Public Works for maintaining all municipal buildings, site lighting, flagpoles, etc. and was used 2-3 days per week. He said the current truck was 25 years old and 2 inspections would need to be done for the chassis and the lift. Public Works Director Malasky said he had also looked into utilizing the current lift by mounting it on a new chassis but felt the life expectancy would be questionable and said that Auto Excellence had recommended replacement. He said they had received two (2) proposals with RBG of Raymond being the cheapest, and said that everyone in his department was certified to operate bucket trucks.

Discussion: Councilor Pike asked about the Town fire alarm system, and Public Works Director Malasky said there were red master boxes on poles and buildings, and that they currently serviced approximately 200 properties and billed property owners for the service. He said it was an old technology but it worked well and was cheap to maintain for the most part, and said he was confident that they could get 20 years out of the new vehicle. Councilor Pike asked if there was anything that was cheaper or easier to do than the historic system, and Public Works Director Malasky said radio boxes were used now but were more expensive to purchase and more technically expensive to maintain. Town Administrator Fournier clarified that this truck was not for the Fire Department or the alarm system, but was used for Public Works duties 95% of the time. He said the bucket truck also impacted the liability insurance for the Town to the positive. Councilor Pike asked the percentage of use by the Fire Department, and Public Works Director Malasky said he was out 10 times per year working on the system. Town Administrator Fournier said that Buildings & Grounds used the truck for maintenance of buildings and lights and there was a need to reach higher, otherwise they would have to contract out.

Councilor Thompson questioned the approximate \$30,000 cost of the lift and asked if it could be purchased separately, and Public Works Director Malasky said it could not. Councilor Thompson asked how the cost of the new 38-foot lift compared to the cost of the 29-foot lift which they had now. Public Works Director Malasky said he did not have that information, but explained that they were a little short in extending to some areas that were difficult to reach. Town Administrator Fournier said that Public Works Director Malasky had come in to him with a demo at one point but it was above his ability to purchase. Vice Chair Levy asked what the difference in cost had been for the demo and Public Works Director Malasky said it was only \$5,000 less. Councilor Pickering said he understood the explanations for needing a new truck, but felt they also needed to keep the dollar amount as low as possible. He asked if there was any opportunity for cooperation from surrounding communities. Town Administrator Fournier explained that it was not really something that could be shared regionally as the towns were all doing things at the same time of the year for Public Works, and felt it was needed with Newmarket's infrastructure.

Public Works Director Malasky said the bucket truck was a specialty vehicle and that he had looked long and hard for a replacement. He said they could not use a large truck as they would not be able to access Downtown, and said this truck was small and did not need stabilizers in traffic. Councilor Weinstein asked if it might be helpful to include a CIP schedule in the packets when they were looking at vehicles. Town Administrator Fournier said that the current fund they had approximately \$570,000 available. Vice Chair Levy asked if there was any other vehicle they presently owned which could be modified to add a lift, and Public Works Director Malasky said there were none that could be adapted as the chassis was very specific and functioned as the stabilizer for the vehicle. Vice Chair Levy agreed with Councilor Thompson that it would be nice to know the difference in price between the 29-foot and the 38-foot lifts, and suggested looking again for a used vehicle. Town Administrator Fournier said there was not enough cost savings between new and used vehicles, and said they had also looked at the State auctions.

Mr. John Bellerose of RBG, Inc. confirmed the lack of availability of used product, and said small trucks and vans like these were no longer being manufactured and the secondary market for this type of vehicle was almost non-existent. He said they did engage a lot of used equipment in their business but felt the minor savings was not necessarily a great value in the long run. He said that with regard to the height

issue, they had seen in the last calendar year that other communities had gone away from a smaller type vehicle, and that the trend in public utilities field was to concentrate first on safety. He explained that a lot of poles were higher and set back further from the road, and that for a vehicle in the roadway to reach a secondary pole, they might be at the full extent of the 29 feet. He said he strongly disagreed with the idea of remounting their current lift as the current vehicle was no longer safe. He explained that the basket was a "walk through" which was open with a chain, and that it was not a fully secured basket in the event of the truck being hit in the roadway. He stated that their company was built on service and the vehicle came with a 2-year warranty which they enhanced by providing any servicing in the field. He said they did not do vehicle inspections but could provide the lift inspection on-site.

Chairman Nazzaro asked Public Works Director Malasky when he used the extra 10 feet, and he replied that it was used typically to do the Fire Alarm work other work for which he did not have a percentage. Town Administrator Fournier said the extra length was not just for going up but also for extending out and they would need the extra distance. He also pointed out that they were buying the vehicle for 20 years. Public Works Director Malasky said that as an example, the Community Center could not be accessed from all sides, and though it may be only 10 feet up, they needed to be able to scope out to reach. He said the extra length also allowed the truck to be farther off the road and still be able to reach the pole, and Mr. Bellerose agreed that the vehicle had the ability to park in a safe manner and not be placed in a dangerous position. Vice Chair Levy asked if the Town was ever going to switch to LED lighting which would reduce maintenance, and Town Administrator Fournier said that the specifications had just gone out. Public Works Director Malasky said he felt that he had picked something that fit the overall needs of the Town, that they would keep the vehicle for 20 years, and that it was the right thing to do for their Department and the Town.

Town Administrator Fournier polled the Council and the motion to approve *Resolution #2015/2016-33* passed by a vote of 7-0.

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Macallen Dam Study Committee

Candidate: *Bill Arcieri - Term Expires March 2018*

Councilor Weinstein made a motion to approve the nomination of *Bill Arcieri - Term Expires March 2018* as a member of the *Macallen Dam Study Committee*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the council and the nomination of *Bill Arcieri - Term Expires March 2018* was approved unanimously, 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Town Council Regular Meeting
February 17, 2016

Resolution #2015/2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services

Chairman Nazzaro read *Resolution #2015-2016-34 Authorize the Town Administrator to enter into a General Services Agreement with Underwood Engineers for General Engineering Services* in full.

CORRESPONDENCE/CLOSING COMMENTS

Chairman Nazzaro asked Town Administrator Fournier to run over the do-outs for the next meeting. Town Administrator Fournier said he would forward a letter of continued support to the Mills Scenic Byway Committee and find out if they would have an Elderly Housing Ordinance by the end of the fiscal year. He said he would also make sure a CIP schedule be included when purchasing anything from that list. Councilor Pickering added that he had asked the Town Administrator at the last meeting to check with Epping about recyclables to see how the Transfer Station was working out for them.

NEXT MEETING

Chairman Nazzaro announced that the next Town Council meeting would be held on March 2, 2016 at 7:00 pm.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 8:52 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

Approved March 2, 2016